

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAWN W.,

Plaintiff,

– *against* –

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

ORDER

23-cv-04712 (ER)

RAMOS, D.J.:

On June 5, 2023, Dawn W.¹ brought a Complaint against the Commissioner of Social Security seeking review of their decision pursuant to the Social Security Act and requested to proceed *in forma pauperis* (“IFP”). Docs. 1, 3. On June 6, 2023, the Court granted Plaintiff’s IFP request and referred the case to Magistrate Judge Jennifer E Willis for settlement.² Docs. 5, 6. On January 8, 2024, Plaintiff filed her motion for judgement on the pleadings, which was fully briefed as of April 9, 2024. Docs. 13, 14, 18, 19. On May 2, 2024, the case, and the Social Security referral, were reassigned to Magistrate Judge Gary R. Jones.

Pending before the Court is Plaintiff’s Motion for Judgment on the Pleadings. Doc. 13. On June 9, 2024, Judge Jones issued a Report and Recommendation (“Report”), recommending that the Plaintiff’s motion be DENIED, the case dismissed, and notifying the parties that they had fourteen days from service of the Report to file written objections. Doc. 20. To date, no objections have been filed.

¹ Plaintiff’s name has been partially redacted in compliance with Federal Rule of Civil Procedure 5.2(c)(2)(b) and the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States.

² On June 8, 2023, the referral for settlement was amended to be a referral for Social Security. Doc. 7

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise "specific," "written" objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Judge Jones' well-reasoned Report and finds no errors, clear or otherwise. The Court therefore adopts Judge Jones' recommendation.

III. CONCLUSION

For the reasons set forth above, Plaintiff's Motion for Judgement on the Pleadings is DENIED, and the case is dismissed. The Clerk of the Court is respectfully directed to close the case.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Opinion and Order would not be taken in good faith; therefore, IFP status is denied for purposes of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

It is SO ORDERED.

Dated: July 9, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

EDGARDO RAMOS, U.S.D.J.